


PATENT

LINCP103US

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being faxed to 703-872-9306 on the date shown below to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Date: 8-12-04


Himanshu S. Amin

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Applicant(s): Keith Clark, *et al.*

Serial No: 09/841,314

Filing Date: April 24, 2001

Examiner: Lester G. Kincaid

Art Unit: 2685

Title: SYSTEM AND METHOD TO FACILITATE WIRELESS COMMUNICATION IN A WELDING ENVIRONMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

DECLARATION UNDER 37 C.F.R. §1.131

Dear Sir:

The undersigned, an inventor of the claimed invention of the subject patent application, declare and say as follows:

- (1) I am an inventor of the claims of the above-identified patent application. This Declaration is submitted to establish conception of the invention described

and claimed in the above-captioned application in the United States at a date prior to January 25, 2001, which is the effective date of Blankenship, *et al.* (U.S. Patent 6,624,388 B1) and to establish diligence from at least just prior to January 25, 2001, until constructive reduction to practice, April 24, 2001.

- (2) Discussions with the patent attorney who drafted the application took place on January 19, 2001, and the entire invention as disclosed in the specification was disclosed to the patent attorney at the meeting. The invention claimed in the present application was conceived prior to disclosure to the drafting patent attorney on January 19, 2001.
- (3) To establish proof of the discussion dated January 19, 2001, Exhibit A, is an email dated January 26 sent by the drafting attorney to an associate internal to his firm regarding the discussion and clearly stating the title of the invention and the first named inventor.
- (4) On or about January 31, 2001, I received a draft version of a patent application for the present invention from the drafting attorney.
- (5) On or about February 15, 2001, I was in the process of reviewing the draft version of the patent application.
- (6) Further discussions with the drafting attorney concerning the present application took place at least on Wednesday, March 14, 2001.
- (7) On or about March 20, 2001, I received a revised draft of a patent application for the instant invention from the drafting attorney.
- (8) On or about April 18, 2001, I received a finalized version of the patent application with formal papers.

- (9) Executed formal papers and the finalized patent application were returned to the drafting attorney on April 24, 2001.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued therein.

Respectfully submitted,

Keith Clark
Keith Clark

Aug. 10, 2004
Date

EXHIBIT

A

Jeff Sadlowski

From: Jeff Sadlowski
Sent: Friday, January 26, 2001 3:30 PM
To: Christine Szudy
Subject: lincoln electric

Christine:

Are you opening new files for the two lincoln electric applications dan and I interview last friday (1/19)? one concerns "a system and method to facilitate wireless communication in a welding environment" -- original named inventor Keith Clark. The other one relates to "a system and method for managing welding procedures"--original named inventor David Barton

thanks,

Jeff 1/26

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